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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

RAUL ARELLANO, JR.,
Plaintiff,
v.
COUNTY OF SAN DIEGO, et al,
Defendants.

Case No.: 14cv2404-JO-KSC

**ORDER DIRECTING PLAINTIFF
TO SERVE THE UNITED STATES**

Plaintiff, proceeding *pro se* and *in forma pauperis*, filed a second amended complaint against, *inter alia*, Defendant United States. Dkt. 62 (SAC). On November 9, 2020, the Court directed the Clerk to provide Plaintiff with a certified copy of the complaint, the summons, and a blank U.S. Marshal Form 285 (“Form 285”) to complete and return to the U.S. Marshal in order for the U.S. Marshal to effect service on the United States. Dkt. 189. On December 21, 2020, Plaintiff filed a request for the address of the U.S. Attorney for the Southern District of California so that Plaintiff may effect service on the United States. Dkt. 192. On January 6, 2021, the Court issued an order granting

1 Plaintiff's request. Dkt. 193. In that order, the Court recited the requirements for service
2 on the United States as set forth in Federal Rule of Civil Procedure 4(i), including the
3 requirement that a copy of the summons and the complaint be sent to the U.S. Attorney for
4 the Southern District of California and to the U.S. Attorney General. *Id.* at 2. The Court
5 provided the mailing addresses for the U.S. Attorney for the Southern District of California
6 and the U.S. Attorney General. *Id.*

7 On January 15, 2021, Plaintiff filed a motion entitled "Motion to Know if Service to
8 U.S. Attorney General Is Necessary," in which he requested an answer to whether he would
9 have to serve the U.S. Attorney General. Dkt. 195. Plaintiff also requested to be provided
10 "everything that needs to be sent to [the] Attorney General." *Id.* On February 8, 2021, the
11 Court denied Plaintiff's motion on the grounds that the Court cannot provide legal advice
12 to Plaintiff. Dkt. 196. The Court directed Plaintiff to review the text of Rule 4(i)(1), which
13 the Court restated in the order given Plaintiff's limited access to the law library. *Id.* at 2.
14 The Court also directed the Clerk to provide a copy of the summons and the complaint to
15 Plaintiff. *Id.* at 3.

16 On September 28, 2021, the Court issued an Order to Show Cause on or before
17 October 15, 2021, as to why the United States should not be dismissed from this case due
18 to Plaintiff's failure to serve the United States as required by Federal Rule of Civil
19 Procedure 4(i). Dkt. 198. On October 12, 2021, Plaintiff filed a response to the Order to
20 Show Cause stating that he had sent the necessary documents to the U.S. Marshal "between
21 January – March 2021." Dkt. 199 at 1. Plaintiff stated that he requested a status update
22 from the U.S. Marshal around April 2021. *Id.*

23 The Court finds good cause to extend the time for Plaintiff to complete service in
24 light of Plaintiff's response that he attempted to provide the required documents to the U.S.
25 Marshal to effect service shortly after the Court's February 8, 2021 Order. *See Fed. R.*
26 *Civ. P. 4(m).* Accordingly, the Court hereby:

- 1 1. DIRECTS the Clerk to provide Plaintiff with a new blank Form 285, and
2 certified copies of this Order, the summons, and the complaint (the “IFP
3 Package”).
- 4 2. DIRECTS Plaintiff, upon receipt of the IFP Package, to complete the Form 285
5 and return the IFP Package to the U.S. Marshal on or before **May 19, 2022**. If
6 Plaintiff fails to return the completed IFP Package to the U.S. Marshal by **May**
7 **19, 2022**, the Court will dismiss Defendant United States from this action for
8 failure to prosecute.
- 9 3. DIRECTS the U.S. Marshal to serve a copy of the complaint and summons
10 upon Defendant United States as directed by Plaintiff on the completed Form
11 285.

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13 **IT IS SO ORDERED.**

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15 Dated: April 19, 2022

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19 Honorable Jinsook Ohta
20 United States District Judge
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